

Zoning Text Amendment No: 07-04  
Concerning: Accessory structure standards  
Draft No. & Date: 1 – 3/26/07  
Introduced: April 10, 2007  
Public Hearing: June 12, 2007; 1:30 p.m.  
Adopted:  
Effective:  
Ordinance No:

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND  
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF  
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN  
MONTGOMERY COUNTY, MARYLAND**

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By: Councilmembers Elrich and Berliner

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**AN AMENDMENT** to the Montgomery County Zoning Ordinance for the purpose of:

- establishing setback for accessory structures from national park property;
- generally amending the provisions for accessory structure in single-family residential and agricultural zones.

By amending the following section of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

DIVISION 59-B-2	“EXEMPTIONS FROM YARD REQUIREMENTS”
Section 59-B-1	“Walls or fences”
DIVISION 59-C-1	“RESIDENTIAL ZONES, ONE-FAMILY”
Section 59-C-1.31.	“Land uses”
DIVISION 59-C-9	“AGRICULTURAL ZONES”
Section 59-C-9.3.	“ Land uses”
Section 59-C-9.4	“Development standards”
Section 59-C-9.45	“Yard requirements for an accessory building (in feet)”

**EXPLANATION:** **Boldface** indicates a heading or a defined term.

Underlining indicates text that is added to existing laws by the original text amendment.

[Single boldface brackets] indicate text that is deleted from existing law by the original text amendment.

Double underlining indicates text that is added to the text amendment by amendment.

[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.

\* \* \* indicates existing law unaffected by the text amendment.

## **ORDINANCE**

*The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:*

**Sec. 1. Division 59-B-2 is amended as follows:**

**DIVISION 59-B-2. EXEMPTIONS FROM YARD REQUIREMENTS.**

**59-B-2.1. Walls or fences.**

The building line and yard requirements of this chapter do not apply to:

([1] a) retaining walls where changes in street grade, width or alignment have made such structures necessary,

([2] b) deer fencing in:

(1) all agricultural zones; and [in the rear and side yards of all other zones]

(2) the rear and side yards of all [other] non-agricultural zones if the lot or tract is not adjoining a national historical park.

([3] c) other walls or fences that are [not over] 6 ½ feet or less in height and are not on a lot or tract adjoining a national historical park, or

([4] d) deer and other fences not over 8 feet in height if the property is farmed and agriculturally assessed.

On a corner lot in any residential zone, a deer fence must not be located closer to the street than the face of the building.

Fence height is measured from the lowest level of the ground immediately under the fence. On a corner lot in any residential zone a fence, wall other than a retaining wall, terrace, structure, shrubbery, planting or other obstruction to vision

must not have a height greater than 3 feet above the curb level for a distance of 15 feet from the intersection of the front and side street lines.

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**Sec. 2. DIVISION 59-C-1 is amended as follows:**

**Division 59-C-1. RESIDENTIAL ZONES, ONE-FAMILY.**

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**59-C-1.31. Land uses.**

No use is allowed except as indicated in the following table:

- **Permitted Uses.** Uses designated by the letter "P" are permitted on any lot in the zones indicated, subject to all applicable regulations.
- **Special Exception Uses.** Uses designated by the letters "SE" may be authorized as special exceptions, in accordance with the provisions of Article 59-G.

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	RE-2	RE-2C	RE-1	R-200	R-150	R-90	R-60	R-40	R-4 plex	RMH 200
<b>(g) Miscellaneous.</b>										
Accessory buildings or structures for housing animals or fowl.	P	P	P	P	P	P	P			
Accessory buildings and <u>structures</u> [uses]. <sup>52</sup>	P	P	P	P	P	P	P	P	P	P

\* \* \*

	RE-2	RE-2C	RE-1	R-200	R-150	R-90	R-60	R-40	R-4 plex	RMH 200
<b>59-C-1.326 Yard Requirements for an Accessory Building, or Structure (in Feet).<sup>7</sup></b>										
<b>(a) For all lots.</b>										
(1) An accessory building or structure must be located in a rear yard and must not occupy more than 20 percent of the rear yard. (2) An accessory building or structure must be set back from the lot lines with a minimum setback as follows:										
(A) From the street line:	80	80	80	65	65	60	60	60		65
(B) From a rear lot line:	10	10	10	7	7	5	5	5		7
(C) From a side lot line:	15	15	15	12	12	5	5	5		12
(D) From a <u>national historical park boundary line unless exempted by Sec. 59-B-2.1.</u>	<u>200</u>	<u>200</u>	<u>200</u>							
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41 **Sec. 3. Division 59-C-9 is amended as follows:**

42 **DIVISION 59-C-9. AGRICULTURAL ZONES.**

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44 **Sec. 59-C-9.3. Land uses.**

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	Rural	RC	LDRC	RDT	RS	RNC	RNC/ TDR
<b>(j) Miscellaneous:</b>							
Accessory buildings and <u>structures</u> [uses]. <sup>47</sup>	P	P	P	P	P	P	P

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47 **59-C-9.4. Development standards.**

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	Rural	RC	LDRC	RDT	RS	RNC	RNC/ TDR
<b>59-C-9.45. Yard requirements for an accessory building or structure (in feet).</b>							
(a) From the front lot line or proposed street line	80	80	80	(see note 1)	80	80	80
(b) From the side lot line:							
(1) Of an interior lot	15	15	15	15	15	15	15
(2) Of a lot abutting a public street	50 <sup>1</sup>	50 <sup>1</sup>	50 <sup>1</sup>	50 <sup>1</sup>	50 <sup>1</sup>	50	50
(c) From a rear lot line	10	10	10	10	10 <sup>3</sup>	10	10
(d) <u>Any accessory building or structure on a lot or tract adjoining a national historical park must be located at least 200 feet from the national historical park unless exempted by Sec. 59-B-2.1.</u>							

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50 **Sec. 4. Effective date.** This ordinance takes effect immediately on the date  
51 of Council adoption and applies to all permits issued that have not started  
52 construction.

53 This is a correct copy of Council action.

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Linda M. Lauer, Clerk of the Council